

United States District Court, Northern District of Illinois
(11)

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| Name of Assigned Judge or Magistrate Judge | James B. Moran | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 01 C 268 | DATE | 11/9/2001 |
| CASE TITLE | G.M. Harston etc. et al. Vs. The City of Chicago et al. | | |

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:**Memorandum Opinion and Order****DOCKET ENTRY:**

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Memorandum Opinion and Order. Defendant inadvertently failed to respond to plaintiffs' second request to admit and far more than 30 days has passed. It moves to withdraw the resulting admissions. That motion is granted. Withdrawal will facilitate the parties ability to reach the truth and it will not unduly prejudice plaintiffs. We direct that defendant fully and fairly respond to the requests within 21 days.

- (11) [For further detail see order attached to the original minute order.]

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|--|-----------------------------|---|-----------------|
| No notices required, advised in open court. | | number of notices | Document Number |
| No notices required. | | | |
| Notices mailed by judge's staff. | | | |
| Notified counsel by telephone. | | | |
| <input checked="" type="checkbox"/> Docketing to mail notices. | | | |
| Mail AO 450 form. | | | |
| Copy to judge/magistrate judge. | | | |
| WAH | courtroom deputy's initials | date docketed NOV 14 2001 docketing deputy initials cm | 40 |
| | | date mailed notice | |
| | | mailing deputy initials | |
| | | Date/time received in central Clerk's Office | |

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

NOV 14 2001

G.M. HARSTON CONSTRUCTION)
CO., INC., and GLENN M. HARSTON,)
Plaintiffs,)
vs.) No. 01 C 268
THE CITY OF CHICAGO, an Illinois)
municipal corporation, DAVID E.)
MALONE, and HARSTON/)
SCHWENDENER A JOINT VENTURE,)
Defendants.)

MEMORANDUM OPINION AND ORDER

In a paper-intensive case mistakes may well happen, and one happened here. Defendant inadvertently failed to respond to plaintiffs' Second Request to Admit and far more than 30 days has passed. It moves to withdraw the resulting admissions. That motion is granted. Withdrawal will facilitate the parties' ability to reach the truth and it will not unduly prejudice plaintiffs.

We direct that defendant fully and fairly respond to the requests within 21 days.


JAMES B. MORAN

Senior Judge, U. S. District Court

Nov. 9, 2001.